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7 Attorneys for Plaintiff
United States of America

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JOHN T. NING,

15 Defendant.

) No. C 05-1173 JL (BZ)

) **PLAINTIFF'S REQUEST FOR**
) **TELEPHONIC APPEARANCE BY**
) **CLIENT REPRESENTATIVE**

) Date: October 25, 2006

) Time: 9:00 a.m.

) Ctrm: G, 15th Floor

) Hon. Bernard Zimmerman

17 Plaintiff United States of America requests that its client representative, who works and
18 resides in Washington, D.C., be allowed to participate in the settlement conference by telephone.
19 No local agency representatives are involved in this case. The client representative in this case,
20 Rear Admiral Arthur J. Lawrence, is the Deputy Assistant Secretary for Health Operations in the
21 U.S. Department of Health and Human Services (HHS). Due to scheduling difficulties and
22 Admiral Lawrence's responsibilities as a high-level official at the HHS, it would be a substantial
23 hardship for Admiral Lawrence to travel to Northern California for the settlement conference.

24 Consequently, the United States respectfully requests that Admiral Lawrence be allowed
25 to appear at the settlement conference by telephone from Washington, D.C.

26 Opposing counsel has advised that she has no opposition to this request. See attached
27

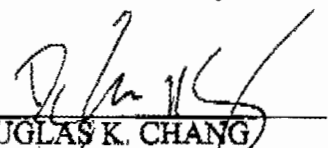
28 Plaintiff's Request for Telephonic
Appearance by Client Representative
Case No. C 05-1173 JL (BZ)

1 copy of e-mail correspondence from Gillian Ross dated October 20, 2006.
2
3

KEVIN V. RYAN
United States Attorney

4
5 Dated: October 20, 2006

By:


DOUGLAS K. CHANG
Assistant U. S. Attorney
Attorney for United States

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Plaintiff's Request for Telephonic
Appearance by Client Representative
Case No. C 05-1173 JL (BZ)

Chang, Douglas (USACAN)

From: Gillian Ross [GMRoss@wendel.com]
Sent: Friday, October 20, 2006 12:07 PM
To: Chang, Douglas (USACAN)
Subject: RE: United States v. John T. Ning

Doug: While I think settlement conferences usually work best when the parties are face to face, I will not oppose your request that your client representative appear by phone.

Gillian M. Ross
Wendel, Rosen, Black and Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94607
Telephone: 510-834-6600
Fax: 510-834-1928
Website: www.wendel.com

-----Original Message-----

From: Chang, Douglas (USACAN) [mailto:Douglas.Chang@usdoj.gov]
Sent: Friday, October 20, 2006 11:15 AM
To: Gillian Ross
Subject: United States v. John T. Ning

Gillian,

Do you have any opposition to my client representative with settlement authority (Rear Admiral Arthur J. Lawrence) appearing by phone at the settlement conference? He lives and works in Washington, D.C.

Doug

10/20/2006

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an contract employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of:

Plaintiff's Request for Telephonic Appearance by Client Representative**[Proposed] Order Permitting Plaintiff's Client Representative to Appear by Telephone**

to be served this date upon the party(ies) as follows:

Gillian M. Ross, Esq.
1111 Broadway, 24th Floor
Oakland, CA 94607-4036
Fax No.: 510.834-1928

☒ **BY FIRST CLASS MAIL**, by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this offices practice.

☐ **BY PERSONAL SERVICE, (MESSENGER)**

☐ **FEDERAL EXPRESS**

☒ **FACSIMILE, (FAX)** Telephone No.: See Above

☐ **BY E-MAIL**: I caused each such document to be sent by email to the person or offices of each address above.

☐ **CERTIFIED MAIL**, by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this offices practice .

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: October 20, 2006


TINA LOUIE
Contract Legal Clerk

KEVIN V. RYAN (SBN 118321)
 United States Attorney
 JOANN M. SWANSON (SBN 88143)
 Assistant United States Attorney
 Chief, Civil Division
 DOUGLAS K. CHANG (SBN H12922)
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Attorneys for Plaintiff
 United States of America

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
 Plaintiff,

v.

JOHN T. NING,

Defendant.

No. C 05-1173 JL (BZ)

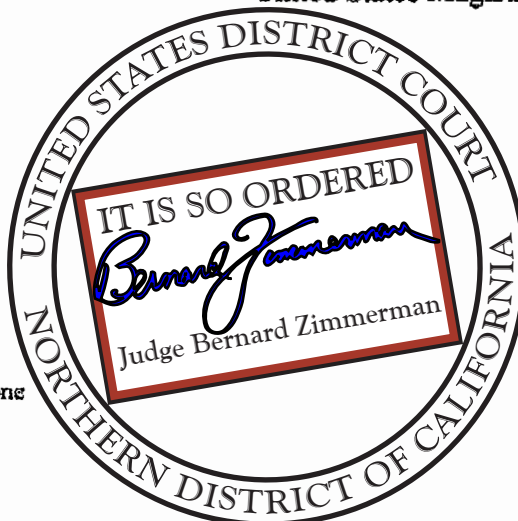
**ORDER PERMITTING PLAINTIFF'S
 CLIENT REPRESENTATIVE TO
 APPEAR BY TELEPHONE**

Date: October 25, 2006
 Time: 9:00 a.m.
 Ctrm: G, 15th Floor
 Hon. Bernard Zimmerman

Pursuant to the Plaintiff's request, the Plaintiff's Client Representative, Rear Admiral
 Arthur J. Lawrence, may appear at the settlement conference in the above-captioned matter by
 telephone.

Dated: October 20, 2006

BERNARD ZIMMERMAN
 United States Magistrate Judge



Order Permitting Plaintiff's Client
 Representative to Appear by Telephone
 Case No. C 05-1173 JL (BZ)